

Applicants : Peter D. Kwong et al.
Serial No. : 09/856,200
Filed : Not Yet Accorded Filing Date
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filing the petition from May 9, 2000 through May 23, 2000 was unintentional, then the petition would be granted. In response, applicants submit that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph, including the period from May 9, 2000 through May 23, 2000, was unintentional.

On November 10, 1998, PCT International Application No. PCT/US98/10265 ("the PCT Application") was filed on behalf of The Trustees of Columbia University in the City of New York ("Columbia University") and Dana-Farber Cancer Institute. A Demand Under Chapter II was timely filed on June 9, 1999. Therefore, the deadline for entering the national stage in the United States of America was thirty (30) months from the U.S. priority date, i.e., May 10, 2000. However, through an unintentional error of Ofra Weinberger Ph.D., Director for the Health Sciences Division of Columbia Innovation Enterprise ("CIE") of Columbia University, the national stage in the United States was not entered by the May 10, 2000 deadline, for reasons explained below.

Requirements of Petition to Revive

A petition under 37 C.F.R. §1.137(b) must be accompanied by:

- (1) the required reply, unless it has been previously filed;
- (2) the petition fee set forth in 37 C.F.R. §1.17(m);
- (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional; and
- (4) any terminal disclaimer (and fee as set forth in §120(d)) required pursuant to 37 C.F.R. §1.137 (c) for a utility application filed before June 8, 1995.